IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY**

**WRIT APPEAL No. 360 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/08/2004 in WPMP No. 11464/2004 and WVMP No.1509/2004 inWP No. 8881 OF 2004 on the file of the High Court.)

Between:

Mylavarapu Krishna, S/o.Adinarayana
R/o.Vidyadharapuram, Vijayawada, Krishna District.

**..... APPELLANT**

AND

1. The Vijayawada Municipal Corporation, represented by its Commissioner, Vijayawada, Krishna District.
2. The Deputy Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.
3. Surabattula Rama Rao S/o.Not known to Appellant
R/o.Bangarayya Veedhi, Mallikarjuna Peta, Vijayawada-1.

**.....RESPONDENTS**

**Counsel for the Appellant: Mr. P.VINAYAKA SWAMY**

**Counsel for Respondents Nos.1&2:Mr. T.S.Venkataramana**

**Counsel for Respondent No.3: None appeared.**

**The Court made the following :**

**ORAL JUDGMENT:**

(per Honourable Sri Devinder Gupta, the Chief Justice)

Challenge by the writ petitioner is to the order passed by the learned Single Judge vacating the interim order. Writ petitioner questioned the action of the respondent-Corporation in cancelling the allotment of Platform No.A made to him and allotting him platform No.22 in the second floor. Earlier, interim order was passed, but, on application being filed by the Corporation, learned Single Judge vacated the order on the ground that as the petitioner has already been allotted platform No.22 in the second floor, there is no reason why interim order should continue during the pendency of the writ petition as regards platform No. A in the ground floor.

Even, learned counsel for the appellant submits that he is not in occupation of platform No. A in the ground floor, but complains that there is violation on the part of the respondents of the interim order. Such violation cannot be subject matter of the present appeal, and, we see no reason as of today that there should be any interim order as regards platform A, as in the event of the Writ Petition being allowed, the petitioner-appellant will be entitled to have platform A. Otherwise, he has to remain satisfied by being in occupation of platform No. 22 in second floor, and, that also subject to payment of usual charges to the respondent-Corporation.

The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

10.3.2005

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B.SESHASAYANA REDDY, J.

VR.

**To**

1. The Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.
2. The Deputy Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.

**3.2 CD copies**

4. 2 CCs to the Section Officer Writ Posting Section, High Court of A.P., Hyderabad.

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